



General Assembly

February Session, 2010

***Raised Bill No. 5341***

LCO No. 1443

\*01443\_\_\_\_\_PS\_\*

Referred to Committee on Public Safety and Security

Introduced by:  
(PS)

***AN ACT CONCERNING THE CARRYING OF ELECTRONIC DEFENSE WEAPONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2010*) (a) No person shall carry  
2       upon his or her person any electronic defense weapon, as defined in  
3       section 53a-3 of the general statutes, without a permit issued in  
4       accordance with this section. The holder of a permit to carry an  
5       electronic defense weapon issued pursuant to this section shall carry  
6       such permit upon such holder's person while carrying such electronic  
7       defense weapon. The provisions of this subsection shall not apply to  
8       the carrying of an electronic defense weapon by any: (1) Parole officer  
9       or peace officer of this state or parole officer or peace officer of any  
10      other state while engaged in the pursuit of official duties; (2) federal  
11      marshal or federal law enforcement agent; or (3) any member of the  
12      armed forces of the United States, as defined in section 27-103 of the  
13      general statutes, or of this state, as defined in section 27-2 of the  
14      general statutes, when on duty or going to or from duty.

15      (b) (1) An applicant for a permit to carry an electronic defense  
16      weapon or for the renewal thereof shall submit an application to the

17 chief of police or, where there is no chief of police, the warden of the  
18 borough or the chief executive officer of the town, as the case may be,  
19 accompanied by a fee of one hundred twenty-five dollars.

20 (2) The local authority shall take the fingerprints of the applicant for  
21 a permit or conduct any other method of positive identification  
22 required by the State Police Bureau of Identification or the Federal  
23 Bureau of Investigation to conduct criminal history records checks in  
24 accordance with section 29-17a of the general statutes. The applicant  
25 shall pay the fee for the national criminal history records check  
26 charged by the Federal Bureau of Investigation for performing such  
27 check, and such fee shall be in addition to the fee paid in accordance  
28 with subdivision (1) of this subsection.

29 (c) No permit to carry an electronic defense weapon shall be issued  
30 under this section if the applicant (1) has failed to successfully  
31 complete a course in the safety and use of electronic defense weapons,  
32 approved by the local authority issuing such permit, (2) has been  
33 convicted of a felony or of a violation of subsection (c) of section 21a-  
34 279, section 53a-58, 53a-61, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176,  
35 53a-178 or 53a-181d of the general statutes, (3) has been convicted as  
36 delinquent for the commission of a serious juvenile offense, as defined  
37 in section 46b-120 of the general statutes, (4) has been discharged from  
38 custody within the preceding twenty years after having been found  
39 not guilty of a crime by reason of mental disease or defect pursuant to  
40 section 53a-13 of the general statutes, (5) has been confined in a  
41 hospital for persons with psychiatric disabilities, as defined in section  
42 17a-495 of the general statutes, within the preceding twelve months by  
43 order of a probate court, (6) is subject to a restraining or protective  
44 order issued by a court in a case involving the use, attempted use or  
45 threatened use of physical force against another person, (7) is subject to  
46 a firearms seizure order issued pursuant to subsection (d) of section  
47 29-38c of the general statutes after notice and hearing, (8) is prohibited  
48 from shipping, transporting, possessing or receiving a firearm  
49 pursuant to 18 USC 922(g)(4), (9) is an alien illegally or unlawfully in

50 the United States, or (10) is less than twenty-one years of age. The local  
51 authority shall retain records of all applications, whether approved or  
52 denied.

53 (d) The issuance of any permit to carry an electronic defense  
54 weapon does not thereby authorize the possession or carrying of an  
55 electronic defense weapon in any premises where the possession or  
56 carrying of a weapon is otherwise prohibited by law or is prohibited  
57 by the person who owns or exercises control over such premises.

58 (e) A permit for the carrying of an electronic defense weapon issued  
59 in accordance with the section may be revoked by the issuing authority  
60 for cause and shall be revoked by such authority upon the holder's  
61 conviction of a felony or violation specified in subsection (c) of this  
62 section or upon the occurrence of any event that would have  
63 disqualified the holder from being issued the permit pursuant to this  
64 section.

65 Sec. 2. Section 29-38 of the general statutes is repealed and the  
66 following is substituted in lieu thereof (*Effective October 1, 2010*):

67 (a) Any person who knowingly has, in any vehicle owned, operated  
68 or occupied by such person, any weapon, any pistol or revolver for  
69 which a proper permit has not been issued as provided in section  
70 29-28, [or] any machine gun which has not been registered as required  
71 by section 53-202 or any electronic defense weapon for which a permit  
72 has not been issued as provided in section 1 of this act, shall be fined  
73 not more than one thousand dollars or imprisoned not more than five  
74 years or both, and the presence of any such weapon, pistol or revolver,  
75 or machine gun in any vehicle shall be prima facie evidence of a  
76 violation of this section by the owner, operator and each occupant  
77 thereof. The word "weapon", as used in this section, means any BB.  
78 gun, any blackjack, any metal or brass knuckles, any police baton or  
79 nightstick, any dirk knife or switch knife, any knife having an  
80 automatic spring release device by which a blade is released from the  
81 handle, having a blade of over one and one-half inches in length, any

82 stiletto, any knife the edged portion of the blade of which is four  
83 inches or over in length, any martial arts weapon or electronic defense  
84 weapon, as defined in section 53a-3, or any other dangerous or deadly  
85 weapon or instrument.

86 (b) The provisions of this section shall not apply to: (1) Any officer  
87 charged with the preservation of the public peace while engaged in the  
88 pursuit of such officer's official duties; (2) any security guard having a  
89 baton or nightstick in a vehicle while engaged in the pursuit of such  
90 guard's official duties; (3) any person enrolled in and currently  
91 attending a martial arts school, with official verification of such  
92 enrollment and attendance, or any certified martial arts instructor,  
93 having any such martial arts weapon in a vehicle while traveling to or  
94 from such school or to or from an authorized event or competition; (4)  
95 any person having a BB. gun in a vehicle provided such weapon is  
96 unloaded and stored in the trunk of such vehicle or in a locked  
97 container other than the glove compartment or console; and (5) any  
98 person having a knife, the edged portion of the blade of which is four  
99 inches or over in length, in a vehicle if such person is (A) any member  
100 of the armed forces of the United States, as defined in section 27-103, or  
101 any reserve component thereof, or of the armed forces of this state, as  
102 defined in section 27-2, when on duty or going to or from duty, (B) any  
103 member of any military organization when on parade or when going  
104 to or from any place of assembly, (C) any person while transporting  
105 such knife as merchandise or for display at an authorized gun or knife  
106 show, (D) any person while lawfully removing such person's  
107 household goods or effects from one place to another, or from one  
108 residence to another, (E) any person while actually and peaceably  
109 engaged in carrying any such knife from such person's place of abode  
110 or business to a place or person where or by whom such knife is to be  
111 repaired, or while actually and peaceably returning to such person's  
112 place of abode or business with such knife after the same has been  
113 repaired, (F) any person holding a valid hunting, fishing or trapping  
114 license issued pursuant to chapter 490 or any salt water fisherman  
115 while having such knife in a vehicle for lawful hunting, fishing or

116 trapping activities, or (G) any person participating in an authorized  
117 historic reenactment.

118 Sec. 3. Subsection (a) of section 53-206 of the general statutes is  
119 repealed and the following is substituted in lieu thereof (*Effective*  
120 *October 1, 2010*):

121 (a) Any person who carries upon his or her person any BB. gun,  
122 blackjack, metal or brass knuckles, or any dirk knife, or any switch  
123 knife, or any knife having an automatic spring release device by which  
124 a blade is released from the handle, having a blade of over one and  
125 one-half inches in length, or stiletto, or any knife the edged portion of  
126 the blade of which is four inches or over in length, any police baton or  
127 nightstick, or any martial arts weapon, [or electronic defense weapon,  
128 as defined in section 53a-3,] or any other dangerous or deadly weapon  
129 or instrument, shall be fined not more than five hundred dollars or  
130 imprisoned not more than three years, or both. Whenever any person  
131 is found guilty of a violation of this section, any weapon or other  
132 instrument within the provisions of this section, found upon the body  
133 of such person, shall be forfeited to the municipality wherein such  
134 person was apprehended, notwithstanding any failure of the judgment  
135 of conviction to expressly impose such forfeiture.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	New section
Sec. 2	<i>October 1, 2010</i>	29-38
Sec. 3	<i>October 1, 2010</i>	53-206(a)

***Statement of Purpose:***

To allow the carrying of an electronic defense weapon pursuant to a permit to carry and to require a permit for the sale of electronic defense weapons.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*